

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

The claims have been recast as a completely new set in order to overcome the claim objections and rejections under 35 USC § 112, second paragraph. For the Examiner's convenience, Applicants point out that the new claims correspond to the previous claims as follows:

<u>New Claim</u>	<u>Old Claim</u>
10	1
11	2
12	3
13	4
14	5
15	6
16	7
17	8
18	9

Applicants do not believe the new claims introduce new matter.

The Examiner suggested headings in the specification. In response, Applicants have added the heading for a Brief Description of the Drawings.

The claims were objected to for reciting arbitrary reference characters. In response, the new set of claims contains no such characters.

The claims were objected to for other informalities. In response, the new claims consistently use "3-dimensional" and also there is no improper use of capitalization or underlining.

Claims 1-8 were rejected under 35 USC § 112, second paragraph, as being indefinite. In response, Applicants believe the amended claims address and remove each of the Examiner's concerns. With respect to claim 16 (reworded former claim 7), Applicants point out that although claim 10 still refers to two different step (j) alternatives, only the first alternative mentions a positioning aid, and, therefore, there is no indefiniteness. Indeed, in general, Applicants do not believe that the presence of two alternatives for step (j) in claim 10 is confusing, since the context of the dependent claims makes clear what alternative is intended, or, if not, then both alternatives are possible. Either way, a person skilled in the art should not be confused, and, therefore, there is no indefiniteness.

Claims 1, 4-6 and 8-9 were rejected under 35 USC § 102(b) as being anticipated by Jordan, US 6,152,731. In response, Applicants would remind the Examiner that anticipation requires that each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference, and, further, the absence in the prior art reference of even a single one of the claim elements is sufficient

to negate anticipation. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Applicants submit that Jordan does not teach instant steps (e) and following.

Consequently, Jordan cannot possibly anticipate the instant claims.

Jordan is discussed in the instant specification in the third paragraph on page 1. There it is taught that it was known, as taught, for example, by Jordan, to perform the articulation function totally or partially on a computer.

However, two paragraphs down on the same page, it is further taught that the present invention involves a method “in which placement of the teeth is also virtually performed on the computer. * * * The data record for *fabricated teeth* are fitted into a virtual model of the oral situation.”

In short, whereas Jordan is entirely concerned with the virtual articulator, the present method, in stark contrast, is concerned with making the *denture*, and includes *positioning ready made artificial teeth*. For this purpose, virtual images of such teeth can be manipulated in the virtual articulator. The present invention, thus, provides additional steps, namely step (e) and following, that are not described by Jordan.

The Examiner says Jordan teaches selection of 3-dimensional records of previously scanned teeth in Figures 4-5. Applicants can find no such teaching there, and, in any case, as noted above, Jordan is not fitting data for fabricated teeth into a virtual model of the oral situation.

In view of the foregoing, Applicants submit that Jordan does not anticipate the instant claims. An early notice to that effect is earnestly solicited.

Claim 2 was rejected under 35 USC § 103(a) as being obvious over Jordan in view of Baumrind, US 6,621,491.

Claim 3 was rejected under 35 USC § 103(a) as being obvious over Jordan in view of Chrishti, US 5,975,893.

Claim 7 was rejected under 35 USC § 103(a) as being obvious over Jordan in view of Brodtkin, US 2002/0033548.

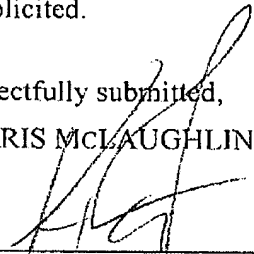
In response to all *three* obviousness rejections, Applicants point out that each of these rejections was premised on Jordan anticipating the basic features of the instant claims, which, as noted above, is not, in fact, the case. The secondary references do not remedy any of the defects of Jordan noted above. Consequently, the combinations of Jordan and the secondary references cannot make out any *prima facie* case of the obviousness of the instant claims.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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